



PATENT
ATTORNEY DOCKET NO.: FIBRO1130-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Grotendorst and Neff
Application No.: 09/461,646
Filed: December 14, 1999
Title: CONNECTIVE TISSUE GROWTH FACTOR FRAGMENTS AND METHODS AND USES THEREOF

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

AUG 19 2004

OFFICE OF PETITIONS

**PETITION FOR REVIVAL OF AN APPLICATION ABANDONED
UNINTENTIONALLY UNDER 37 C.F.R § 1.137(b)**

Sir:

Responsive to the Notice of Abandonment mailed July 29, 2004, Applicant hereby petitions for revival of the above-identified application under the provisions of 37 CFR § 1.137(b) on the grounds that the failure to timely file a proper reply to the Notice of Non-Compliant Amendment mailed October 20, 2003 was an unintentional error.

The above identified application became abandoned for Applicant's alleged failure to respond to the Notice of Non-Compliant Amendment mailed October 20, 2003. As Applicant believed that all outstanding Office communications had been addressed and that the application was pending, Applicant did not provide a Response.

The entire delay in filing the required reply from the due date for reply until the filing of the present grantable petition pursuant to 37 CFR § 1.137(b) was unintentional, as detailed in the accompanying Statement.

08/17/2004 HWD0NS1 00000025 09461646

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665.00 OP

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on August 12, 2004, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Karen LePari
Karen LePari

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Submitted herewith, as required by C.F.R. §1.137(b)(1-4), are the following:

1. The required reply (Response to the Notice of Non-Compliant Amendment mailed October 20, 2003);
2. Check No. 564561 in the amount of \$665.00 (the petition fee pursuant to CFR §1.17(l) to revive an unintentionally abandoned application); and
3. A Statement that the entire delay in filing the required reply, from the due date to the filing of a grantable petition pursuant to 37 CFR § 1.137(b), was unintentional.

Applicant respectfully petitions for revival of the above-identified application. Enclosed is Check No. 564561 in the amount of \$665.00 for the petition fee to revive an unintentionally abandoned application, as set forth above. The Commissioner is hereby authorized to charge any additional fees, or make any credits, to Deposit Account No. 50-1355. If the Examiner would like to discuss any of the issues raised herein, Applicant's representative can be reached at (858) 677-1456.

Respectfully submitted,



Lisa A. Haile
Lisa A. Haile, J.D., Ph.D.
Registration No. 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

Date: August 12, 2004

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133
USPTO Customer Number 28213



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OFFICE OF PETITIONS

STATEMENT ACCOMPANYING PETITION UNDER 37 C.F.R. §1.137(b) TO REVIVE
AN UNINTENTIONALLY ABANDONED PATENT APPLICATION

Sir:

Responsive to the Notice of Abandonment mailed July 29, 2004, this Statement accompanies a Petition for Revival of the above-identified application under the provisions of 37 CFR § 1.137(b) on the grounds that the application was abandoned unintentionally by Applicant. It is respectfully submitted that Applicant's failure to respond to the Notice of Non-Compliant Amendment mailed October 20, 2003 was an unintentional error. The Notice of Non-Compliant Amendment mailed October 20, 2003 indicates the Response filed September 30, 2003 is not in compliance with 37 CFR § 1.121. As Applicant believed that all required replies had been filed, and that the application was pending, Applicant did not provide a further Response.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on August 12, 2004, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Karen LePari
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The entire delay in filing the required reply from the due date for reply until the filing of the accompanying grantable petition pursuant to 37 CFR § 1.137(b) was unintentional.

Applicant's entire delay from the time the Response was initially due until the filing of the present grantable petition pursuant to 37 CFR § 1.137(b) was initially due to the fact that Applicant was unaware that any additional response was due. Applicant's representative did not receive the Notice of Non-Compliant Amendment allegedly mailed October 20, 2003 until July 27, 2004, after inquiring into the status of the application. Upon receipt of the Notice of Abandonment mailed July 29, 2004, Applicant immediately determined the status of the situation and had counsel prepare the present petition for revival of the unintentionally abandoned application.

This statement accompanies the Petition for Revival, along with a check in the amount of \$665.00, the petition fee pursuant to CFR §1.17(l) to revive an unintentionally abandoned application:

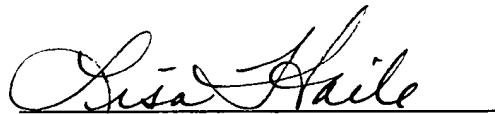
The present Statement provides the required statement that the entire delay in filing the required reply from the due date for reply until the filing of the accompanying grantable petition pursuant to 37 CFR § 1.137(b) was unintentional.

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Enclosed is Check No. 564561 in the amount of \$665.00, the petition fee to revive an unintentionally abandoned application. No additional fees are believed due with the present response. However, please charge any additional fees, or make any credits, to Deposit Account No. 50-1355. If the Examiner would like to discuss any of the issues raised herein, Applicant's representative can be reached at (858) 677-1456.

Respectfully submitted,



Date: August 12, 2004

Lisa A. Haile, J.D., Ph.D.
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